

P.O. BOX 23223 Oakland, CA 94623 Phone (510) 419-0120 / Fax (510) 832-1456

# LETTER OF TRANSMITTAL SAS Foundations E2/T1 Project

**Run Date** 15-Feb-08 **Time** 11:13 AM

Dated 2. 15:08	TRANSMITTAL No: KFM-TRN-000722 Rev: 00
To: Pedro Sanchez Caltrans - SAS E2/T1 Foundation Project 333 Burma Road Oakland CA 94607 Phone: 510-286-0538 Fax:	Co/Job # 364-4347 Contract # 04-0120E4 Sub/Supplier: Sub/Supplier No:
Subject: NOPC 13 - Final Notice of Potential Claim	Special Provis. (SP) REF: Standard Spec. (SS) REF: RESUBMITTAL/SUPPLEMENTAL REF:
We are sending the following attached items:	☐ Via Fax
☐ Contract Plans/Specs       ☐ Certs of Compl./Samples         ☐ Drawings/Calculations       ☐ Schedule         ☐ Change Order       ☐ Progress Estimate Request         ☐ Copy of Letter       ☐ Payroll Information	<ul><li> Working Drawings</li><li> WQCP and/or Addenda</li><li> Weekly Welding Reports</li><li> CWR Procedure</li></ul>
Item Date Copies Description	Pages
01 15-Feb-2008 1 NOPC 13 - Final Notice of Potential Clair	m
These are transmitted as checked below:  ☐ For Approval ☐ For Your Use ☐ As Requested	☐ Return For Correction ☐ For Information
Remarks:	
cc:	Submitted By: George Atkinson (KFM Staff Member – Originator of Transmittal)
	Checked & Sent By: Contract Admin/DCS Staff

### STATE OF CALIFORNIA · DEPARTMENT OF TRANSPORTATION

# FULL AND FINAL DOCUMENTATION OF POTENTIAL CLAIM

CEM-6201C (NEW 9/2002)

	FOR STATE USE ONL'	Y	
Received By	(For resident engineer)	Date	

TO	CONTRACTALIABED		
Pedro Sanchez	CONTRACT NUMBER 04-0120E4	DATE	IDENTIFICATION NUMBER
(resider	nt engineer)	February 15, 2008	13-011408
This is the Full and Final D	Occumentation of Potential Claim for ad	ditional compensation submitted	as required under the provisions of
thing, occurrence, or other	Potential Claim," of the Standard Specifi r cause giving rise to the potential claim	cations. The act of the engineer, occurred on:	or his/her failure to act, or the event,
		DATE: Ja	nuary 14, 2008
The complete and factual na claim are attached hereto.	arration of events which fully describe the na	ature and circumstances that caused	the dispute or disagreement and potentia
	PC 13-011408 - Final Notice of Potent		
		(attach sheets	s as required for full and final documentation
The basis of this claim includentilement of the potential of	ding all relevant contract provisions and a silaim are attached hereto.	tatement of the reasons these provis	sions support and provide basis for
lease see attached "NOP	PC 13-011408 - Final Notice of Potent	ial Claim"	·
			as required for full and final documentation
Γhe identification and copies	of any documents and substance of any o	ral communication that support the p	potential claim are attached hereto.
'lease see attached "NOP	PC 13-011408 - Final Notice of Potent	ial Claim"	
		(attach sheets	as required for full and final documentatio
The exact dollar amount requ	uested and an itemized breakdown of indivi	idual costs segregated by labor, mat	erials, equipment and other are attached
	PC 13-011408 - Final Notice of Potenti		and the action are actioned
The second trop	C 13 011400 - I mai Notice of I otem		as required for full and final days and the
The exact amount of any time	e adjustment requested including justification		as required for full and final documentatio
Please see attached "NOP	e adjustment requested including justification PC 13-011408 - Final Notice of Potenti	on thereof and time impact analysis a	are attached hereto.
1101	o 15 of 1 foo 1 mai Notice of 1 official	iai Ciaiiii	
The undersigned originaton	r (Contractor or Subcontractor as appro	Driate) certifies that the above sta	as required for full and final documentation
understands and agrees the Section 9-1.04 of the Stand	r (Contractor or Subcontractor as appro e of the California False Claims Act, Gov at this potential claim to be further cons lard Specifications and must be restated	priate) certifies that the above statement Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA	tements and attached documentation 555. The undersigned further by conform to the requirements in the statement of claims in conformance of the statement of Contractor of Contractor
understands and agrees th	r (Contractor or Subcontractor as appro e of the California False Claims Act, Gov at this potential claim to be further cons lard Specifications and must be restated	priate) certifies that the above statement Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA	tements and attached documentation 1855. The undersigned further ly conform to the requirements in tten statement of claims in conformance
ine made in full cognizance inderstands and agrees th Section 9-1.04 of the Stand	r (Contractor or Subcontractor as appro e of the California False Claims Act, Gov at this potential claim to be further cons lard Specifications and must be restated	priate) certifies that the above staternment Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA	tements and attached documentation 555. The undersigned further by conform to the requirements in the statement of claims in conformance of the statement of Contractor of Contractor
in made in full cognizance inderstands and agrees th Section 9-1.04 of the Stand vith Section 9-1.07B of the	r (Contractor or Subcontractor as approj e of the California False Claims Act, Gov at this potential claim to be further cons ard Specifications and must be restated Standard Specifications.	priate) certifies that the above staternment Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA	tements and attached documentation 655. The undersigned further by conform to the requirements in tten statement of claims in conformance  CTOR of CONTRACTOR  (Circle One)
in made in full cognizance inderstands and agrees th Section 9-1.04 of the Stand vith Section 9-1.07B of the	r (Contractor or Subcontractor as approje of the California False Claims Act, Gov at this potential claim to be further cons ard Specifications and must be restated Standard Specifications.	priate) certifies that the above statement Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA	tements and attached documentation 655. The undersigned further by conform to the requirements in the statement of claims in conformance of claims in conformance of claims in conformance of claims in claims i
ine made in full cognizance inderstands and agrees th Section 9-1.04 of the Stand vith Section 9-1.07B of the	r (Contractor or Subcontractor as approj e of the California False Claims Act, Gov at this potential claim to be further cons ard Specifications and must be restated Standard Specifications.	priate) certifies that the above statement Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA	tements and attached documentation 655. The undersigned further by conform to the requirements in the statement of claims in conformance of claims in conformance of claims in conformance of claims in claims i
re made in full cognizance inderstands and agrees the ection 9-1.04 of the Stand vith Section 9-1.07B of the	r (Contractor or Subcontractor as approje of the California False Claims Act, Gov at this potential claim to be further cons ard Specifications and must be restated Standard Specifications.	priate) certifies that the above statement Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA	tements and attached documentation 655. The undersigned further by conform to the requirements in the statement of claims in conformance of claims in conformance of claims in conformance of claims in claims i
re made in full cognizance inderstands and agrees the ection 9-1.04 of the Stand vith Section 9-1.07B of the	r (Contractor or Subcontractor as approje of the California False Claims Act, Gov at this potential claim to be further cons ard Specifications and must be restated Standard Specifications.	priate) certifies that the above state ernment Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA (Authorize)	tements and attached documentation 1555. The undersigned further 155 y conform to the requirements in 15ten statement of claims in conformance 15ten statement of CONTRACTOR 15ten One 15ten CONTRACTOR 15ten One 15ten One
re made in full cognizance inderstands and agrees the ection 9-1.04 of the Stand vith Section 9-1.07B of the	r (Contractor or Subcontractor as approje of the California False Claims Act, Gov at this potential claim to be further cons ard Specifications and must be restated Standard Specifications.	priate) certifies that the above state ernment Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA (Authorize)	tements and attached documentation 655. The undersigned further by conform to the requirements in the statement of claims in conformance of claims in conformance of claims in conformance of claims in claims i
re made in full cognizance inderstands and agrees th ection 9-1.04 of the Stand vith Section 9-1.07B of the	r (Contractor or Subcontractor as approje of the California False Claims Act, Gov at this potential claim to be further cons ard Specifications and must be restated Standard Specifications.	priate) certifies that the above state ernment Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA (Authorize)	tements and attached documentation 1555. The undersigned further 155 y conform to the requirements in 15ten statement of claims in conformance 15ten statement of CONTRACTOR 15ten One 15ten CONTRACTOR 15ten One 15ten One
ine made in full cognizance inderstands and agrees th Section 9-1.04 of the Stand vith Section 9-1.07B of the	r (Contractor or Subcontractor as approje of the California False Claims Act, Gov at this potential claim to be further cons ard Specifications and must be restated Standard Specifications.	priate) certifies that the above state ernment Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA (Authorize)	tements and attached documentation 1555. The undersigned further 155 y conform to the requirements in 15ten statement of claims in conformance 15ten statement of CONTRACTOR 15ten One 15ten CONTRACTOR 15ten One 15ten One
ine made in full cognizance understands and agrees th Section 9-1.04 of the Stand	r (Contractor or Subcontractor as approje of the California False Claims Act, Gov at this potential claim to be further cons ard Specifications and must be restated Standard Specifications.	priate) certifies that the above state riment Code sections 12650-126 idered, unless resolved, must full as a claim in the Contractors write SUBCONTRA (Authorize) wheelight of the certified and forwarded by PRIME	tements and attached documentation 1555. The undersigned further 155 y conform to the requirements in 15ten statement of claims in conformance 15ten statement of CONTRACTOR 15ten One 15ten CONTRACTOR 15ten One 15ten One

### NOPC 13-011408 -- Final Notice of Potential Claim

### **Nature and Circumstances of Dispute**

Kiewit/FCI/Manson AJV ("KFM") has performed extra work at the State's direction to repair cracked concrete in the Pier E2 footing. KFM has provided information to the State to enable a Contract Change Order for this work to be issued. No change order for this work has been issued.

Cracks in the Pier E2 footing fender walls and bottom slab were repaired pursuant to State Letter 3326 and KFM Letter 339. Contract Change Order No. 68 ("CCO 68") has been identified for this work. KFM performed this work in the field as directed and as subsequently accepted by the State. KFM has furnished a price proposal to the State for this work. A contract change order for this work has not been issued or approved by the Engineer.

KFM requests the Engineer issue a Contract Change Order for this work and provide immediate compensation to KFM.

### **Contract Basis of Claim**

Imminent completion of all contract work by KFM and Contract Acceptance by the Department without an approved contract change order for this work gave rise to this NOPC.

The work directed by State Letter 3326 is not included in the original contract scope of work and is a change under the contract consistent with Standard Specification 4-1.03D, "Extra Work". The State has indicated by its statement of intent to issue a contract change order that the directed work is extra work.

KFM performed the work directed by the Engineer pending issuance of a Contract Change Order. Additional work was performed as disputed work per KFM Letter 339. All Pier E2 footing crack repair work has been completed and accepted by the State. However, the subject work continues to not be incorporated into the contract as no contract change order has been issued or approved by the Engineer.

Following completion of the crack repair work, Contract Work on the project continued towards completion and Contract Acceptance without this change order being issued or becoming effective and incorporated into the contract.

Amended Standard Specification 9-1.07B, "Final Payment and Claims", fifth paragraph, notes that claims made in response to the Proposed Final Estimate following Contract Acceptance will not be considered if the Contractor did not first comply with applicable notice or protest requirements of the contract including 9-1.04 "Notice of Potential Claim".

As CCO 68 was not effective as of January 14, 2008, and could not have been reasonably anticipated to be approved and effective by KFM's anticipated completion date of January 18, 2008, KFM made a Notice of Potential Claim to allow for claims associated with this work in accordance with Amended Standard Specification 9-1.07B, "Final Payment and Claims".

NOPC 13-011408 Page 2 of 2

### **Cost Estimate**

KFM previously furnished to the State a cost proposal in the amount of \$249,136.00 for this work. In accordance with subsequent discussions with State representatives KFM has revised its proposal amount to \$231,971.00. A copy of the revised proposal is attached hereto.

KFM's proposals takes into account concerns raised by the State in their letter #3713 regarding potential sources of cracking due to KFM's construction staging and methods.

### **Time Impact Analysis**

KFM does not propose an adjustment to the contract time of performance as a result of this Notice of Potential Claim.

# KFM, aJV Consen Cheng 2/14/2008, 1:22 PM

# CCO #68 E2 Concrete Cracks

# KFM Estimate Summary

Description	Quantity	Units		Rate		Amount	Labor		Equipment	Materials/STS Subcontractors	Subcontra	actors
KFM Labor and Equipment						\$23,993	\$21,749	<del> </del> -	\$ 2,244			i i
Lotus General Construction Inc						\$184,450					\$ 18	184,450
KECO Engineering Service						\$730				\$ 730		
CTL Engineering Service						\$1,995				\$ 1,995		
SUBTOTALS	YLS					\$211,168	\$ 21,	21,749 \$	3 2,244	\$ 2,725	s	184,450
TAX 8.50% or Bond for Sub	and for Sub				₩.	1					€	'
MARK-UPS	PS				ь	19,498	8)(0)	\$ 060'9	3 224	\$ 273	€9	12,912
		TOTAL	S for Sa	TOTALS for San Francisco	€	230,667	\$ 27,839	339	2,468	\$ 2,998	s	197,362
			Bo	Bond ( 0.424%)	₩	978						
City of S	City of SF Business	s Licens	e Tax @	License Tax @ 1.5% Labor	₩.	326						
				Grand Total	\$	231,971						

Time Im	pacts:	
KFM Delay	TBD	

## **Crack Repair Accelerated Cost Analysis**

Description   New Page   Hours   Rate   Hours   R									1	ıbletime	Doub	rtime	Ove	ular	Reg			
Total   Camping Camp	Total	lnv.#	Lotus	Total	Rate	Hours	FM Equipment	к	Total	Rate*	Hours	Rate*	Hours	Rate*	Hours	KFM	Descritpion	Date
1.02500.07   Repair Carrier Carrier Wall   J. Gunning, C. Millar, C. Crodert, C. Puglish   1.02500.18   1.0	\$9,300.0	891	Epoxy Crew					)2	\$1,450.02	<u> </u>				12 @ 92.81	6 @ 56.05			
91/2007 Repair CURF Detarior Footing Wall 8. Leeley, N. Lohse 6 57.44 \$386.50 \$0.00 \$1.00 \$2.00 \$0.00 \$2.00	\$7,300.0			\$163.75	327.50	0.5	ancouver									J. Gunning, C. Miller, G. Crocker, C. Puglisi		
SQ-10007   Repair CJH   R. P. Fender Wall   R. Kiefer, C. Miller   4 @ 50.65   3 @ 54.22   4.0   62.24   \$388.66   6   \$pxyy Crew   602.31														57.44	6	R. Lesley, N. Lohse		
SQSPACE   Repair CMF   AF Pender Wall   R. Kiefer   A © 50.05   Ø 54.22   S336.56   SEDON CREW   ACCOUNT							P4											
9,00/007   Repair CARF   A.0   92.14   \$388.56   100 Ton Terex   4.0   9.00   \$380.00   \$380.00   \$200.00   \$200.00   \$380.00   \$200.0								36	\$386.86					3 @ 54.22	4 @ 56.05	R. Kiefer, C. Miller		
10199207   Repair C2HS Fender Well					90.00	4.0	on Terex	6 100 T	\$368.56	92.14	4.0					R. Kiefer		
10/28/2077   Repair EZE Base							WHO WAS											10/19/2007
10/28/207   Repair EZE Base																		
10/27/2007   Repair E2E Base																		
10/28/2007   Repair EZE Base																	Repair E2E Base	
10/28/207   Repair E2E Base						1 1												
10/38/2007   Repair EZE Base																	Repair E2E Base	10/29/2007
10/31/2007   Repair EZE Base					+	1 1		1	<b>1</b>									
11/1/2007   Repair EZE Base						+-+		1							1 1			
11/2/2007   Repair E2E Base   Floory Crew   60234R   Floory Crew						+-+		1								7.00	Repair E2E Base	11/1/2007
11/3/2007   Repair E2E Base   Epoxy Crew   60/234R   Epoxy Crew			<del></del>			1 1		<b>—</b>	<u> </u>	<del></del>	<b></b>				+ +			
11/4/2007   Repair E2E Base					<del>-</del>	1 1		1	l				<u> </u>		+			11/3/2007
11/5/2007   Repair EZE Base					<del>-</del>	+ +		╁							+			
11/6/2007   Repair EZE Base					<del>-</del>	+ +		-			<u> </u>				+			
11/7/2007   Repair CJ#4 Fender Wall   Epoxy Crew   6024R				——————————————————————————————————————	<del>-</del>	+		+-		<u> </u>	<del> </del>		<del></del>		+	The state of the s		
11/14/2007   KFM E2E soffit strip delayed by CT   1 Day   ???						<del>                                     </del>		1	1	<del>                                     </del>	<u> </u>		<u> </u>		+			
11/16/2007   KFM E2E soffit strip delayed by CT   1 Day   ???	`	00234K	Epoxy Crew			<del>                                     </del>		-	<del>                                     </del>					777	1 Day	KFM E2E soffit strip delayed by CT		
11/16/2007   Repair Conn. Beam Fender Wall   KFM EZE soffit strip delayed by CT   1 Day   ???     Epoxy Crew   60240   11/17/2007   Repair Conn. Beam Fender Wall   KFM EZE soffit strip delayed by CT   1 Day   ???   Epoxy Crew   60240   Ep		<b></b>	ļ			<del>                                     </del>	· · · · · · · · · · · · · · · · · · ·	+-		<u> </u>	<del></del>						**************************************	
11/17/2007   Repair Conn. Beam Fender Wall   KFM E2E soffit strip delayed by CT   1 Day   ???	<u> </u>	60240	Epoya Crow			+		+		<del></del>	<u> </u>						Repair Conn. Beam Fender Wall	
1/19/2007   1/19						++			<b></b>	<del> </del>								
11/19/2007   Repair E2W Base					90.00	9.0	on Terey	7 100 7	\$5,073,37	16 @ 92 14	32 @ 86 37	a @ 92 81		111	- 1 Duy	Roy Scott Edmund Jamal Corey Charlie R Herder		
11/20/2007   Repair E2W Base					90.00	0.0	// Telex	41001	ψ5,075.57	10 (0) 32.14	02 @ 00.07	3 (0) 32.01			+	rtoy, osott, Edinaria, barrar, osroy, orianio, rt. riorder		
11/21/2007   Repair E2W Base						+-+		-	<del> </del>	<del> </del>			<u> </u>		+			
11/22/2007   Lower Conn Beam F/W & Soffit   Tim, Rod, Tom, Doug, Kieth, Josh, Nigel   17 @ 92.14   26.5 @ 92.81   72.5 @ 86.37   \$10,287.67   \$10,287.67   \$140.13   \$22 wx 250 Ton Cap Spreader (11/23)   1 Day   1,000.00   \$1,000.00						+		+		<del> </del>			<u> </u>		++			
11/23/2007   Lower Conn Beam F/W & Soffit   Tim, Rod, Tom, Doug, Kieth, Josh, Nigel   17 @ 92.14   26.5 @ 92.81   72.5 @ 86.37   \$10,287.67   \$0.00   \$140.13   \$42 \text{ W} \text{ x 250 Ton Cap Spreader (11/23)}   1 Day   1,000.00   \$1,000.00			<del></del>			+-+				<u> </u>	<b></b>		<b></b>		+			
11/24/2007   Repair Conn. Beam   Rod Kiefer   2.5   56.05     \$140.13   42 W x 250 Ton Cap Spreader (11/23)   1 Day   1,000.00   \$1,000.00   Epoxy Crew   60240		60240				<del>                                     </del>	- Hard	<del>., </del>	\$10.287.67	72 5 @ 86 37	26.5 @ 02.81	17 @ 02 14			+	Tim Rod Tom Doug Kieth Josh Nigel	Lower Conn Beam F/W & Soffit	
11/25/2007   Repair Conn. Beam   Rod Kiefer   10.5   92.14   \$967.47     Epoxy Crew   60240     Epoxy Crew   60240     Epoxy Crew   60240   Epoxy Crew		60040			1 000 00	1 Dov	250 Ton Con Spreader (11/22)			72.3 @ 00.37	20.0 @ 32.01	17 (0) 32.14		56.05	25			
11/26/2007   Repair Conn. Beam   Epoxy Grew   60240     Epoxy Crew					1,000.00	Day	30 Toll Cap Spreader (17/23)	3 42 W A	\$140.13 \$067.47	02 14	10.5			30.03	+ 2.5			
Total Labor Surcharge \$2,502.12 KFM Equipment Total \$2,243.75 Lotus Total			<u> </u>					4	φ907.47	92.14	10.5				++	Tiod Note:		
To the Equipment Folds   \$2.1,7. Folds   \$2.2 for \$10   Lottles Folds		60240	Epoxy Crew :		<u> </u>			<u>,                                    </u>	\$2,502.12	: charge	Labor Sur		i		<del></del>		Propan Comin. Beam	11/20/2007
To the Equipment Folds   \$2.1,7. Folds   \$2.2 for \$10   Lottles Folds			<del></del>	<u> </u>	-4.T-4-1 T	Faulos	1/54	<u></u>	T #24 740 24	r Total	VEMICE							Total
	al \$192,450.00	.otus Total	<u>L</u>	\$2,243.75	it I otal	Equipmen	KFM	11	\$21,749.21	or i otai	KFIM Labo						L	Total
IPronoced   Eacthound: 1 day mobilization 2 1/2 day labor			******														Eastbound: 1 day mobilization & 1/2 day labor	Proposed
Credits Westbound: 1 day mobilization & 1/2 day labor	<4,000.00>																	
Credits   Prestident 1 day mobilization of 1/2 day labor	<4,000.00>																I vestodunu. T day mobilization & 1/2 day labor	Credits
	<\$8,000.00>																	
Total KFM Labor Total \$21,749.21 KFM Equipment Total \$2,243.75 Lotus Total	1 \$184,450.00	us Total	Lot	\$2,243.75	Total	uipment	KFM Eq	1	21,749.21	9	or Total	KFM Lab						Total

Rates\* Operators at Group 1 rates; PBF/PB per agreement at CT pricing methodology